



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 24-86

To adopt Amendment Number 80
and Amendment Number 80 A to
the Official Plan of the City of
Brampton Planning Area.

The council of The Corporation of the City of Brampton, in accordance with the provisions of the Planning Act, 1983, hereby ENACTS as follows:

1. Amendment Number 80 and Amendment Number 80 A to the Official Plan of the City of Brampton Planning Area are hereby adopted and made part of this by-law.
2. The Clerk is hereby authorized and directed to make application to the Minister of Municipal Affairs for approval of Amendment Number 80 and Amendment Number 80 A to the Official Plan of the City of Brampton Planning Area.

READ a FIRST, SECOND and THIRD TIME, and PASSED, in OPEN COUNCIL,

this 10th day of February, 1986.

KENNETH G. WHILLANS - MAYOR

LEONARD J. MIKULICH - CLERK

ORIGINAL

BY-24-56

AMENDMENT NUMBER 80
to the Official Plan of the
City of Brampton Planning Area
and
Amendment Number 80 A
to the Consolidated Official Plan
for the City of Brampton Planning Area

21 OP 0031-080-1

Amendment No. 80 to the
Official Plan for the
City of Brampton Planning Area
and Amendment No. 80A to the
Consolidated Official Plan for the
City of Brampton Planning Area

This amendment to the Consolidated Official Plan for the City of Brampton and the Official Plan for the City of Brampton, which has been adopted by the Council of the Corporation of the City of Brampton, is hereby modified as follows:

- "1. Section 3.1(1)(a) is hereby modified by deleting the phrase "Secondary Plan Area Number 3" and substituting the phrase "Secondary Plan Area Number 4".
2. Section 3.1(1)(a) is hereby modified by deleting the reference to Section "7.2.7.3" and substituting Section "7.2.7.4".
3. Section 3.2(2) is hereby modified by revising the first sentence as follows:

"The document known as the Consolidated Official Plan for the City of Brampton Planning Area, as it relates to the Heart Lake West and Heart Lake East Secondary Plans, is hereby further amended."

As thus modified, this amendment is hereby approved in accordance with section 21 of the Planning Act, R.S.O. 1983, as Amendment No. 80A to the Consolidated Official Plan and Amendment No. 80 to the Official Plan for the Brampton Planning Area.

Oct 28-86

J. J. J. J. J.
Minister of Municipal Affairs



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KENNETH G. WHILLANS - MAYOR

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AMENDMENT NUMBER 80 AND
AMENDMENT NUMBER 80 A TO THE OFFICIAL PLAN
OF THE CITY OF BRAMPTON PLANNING AREA

1. Purpose

The purpose of this amendment is to change the land use designation of two sites located in the Bovaird-Kennedy area. In one location, a site is being redesignated from Low and Medium Density Residential to a School Site and, in the other location, the site is being redesignated from Low and Medium Density Residential to Highway Commercial. The lands are to be redesignated by substituting a new map in Amendment Number 76 and amending the appropriate policies and schedules in the Official Plan.

2. Location

The lands subject to this amendment are shown on Schedule A to this amendment and are within the area known as the Bovaird-Kennedy Area, as shown on Plate 45, added to the Consolidated Official Plan by Amendment Number 76. More particularly, the lands are situated on the east side of Kennedy Road, north of Bovaird Drive, in part of Lot 11, Concession 2, W.H.S., in the geographic Township of Chinguacousy, in the City of Brampton. The lands which are to be redesignated as Highway Commercial are shown outlined on Schedule B to this amendment.

3. Amendment and Policies Relative Thereto

3.1 Amendment Number 80 :

(1) The document known as the Official Plan of the City of Brampton Planning Area is hereby amended:

(a) by adding, to the list of amendments pertaining to Secondary Plan Area Number 4 set out in the first paragraph of subsection 7.2.7.4, Amendment Number 80 A;

(b) by changing, on Schedule A, the land use designation of the lands shown outlined on Schedule B to this amendment, from RESIDENTIAL to COMMERCIAL;

(c) by designating, on Schedule F, the lands shown outlined on Schedule B to this amendment, as HIGHWAY AND SERVICE COMMERCIAL.

3.2 Amendment Number 80 A:

(2) The document known as the Consolidated Official Plan for the City of Brampton Planning Area, as it relates to the Heart Lake West and Heart Lake East Secondary Plans, is hereby further amended.

- (a) by changing, on Plate 45 (being Schedule A to Amendment Number 76 to the Consolidated Official Plan), the land use designations of the lands outlined on Schedule A to this amendment and numbered 1 through 3, from the existing land use designations to the new land use designations set out in Table 3.2(a):

<u>Location</u>	<u>Existing Designation</u>	<u>New Designation</u>
1	Low and Medium Density Residential	Highway Commercial
2	Low and Medium Density Residential	School Site
3	Low and Medium Density Residential	School Site

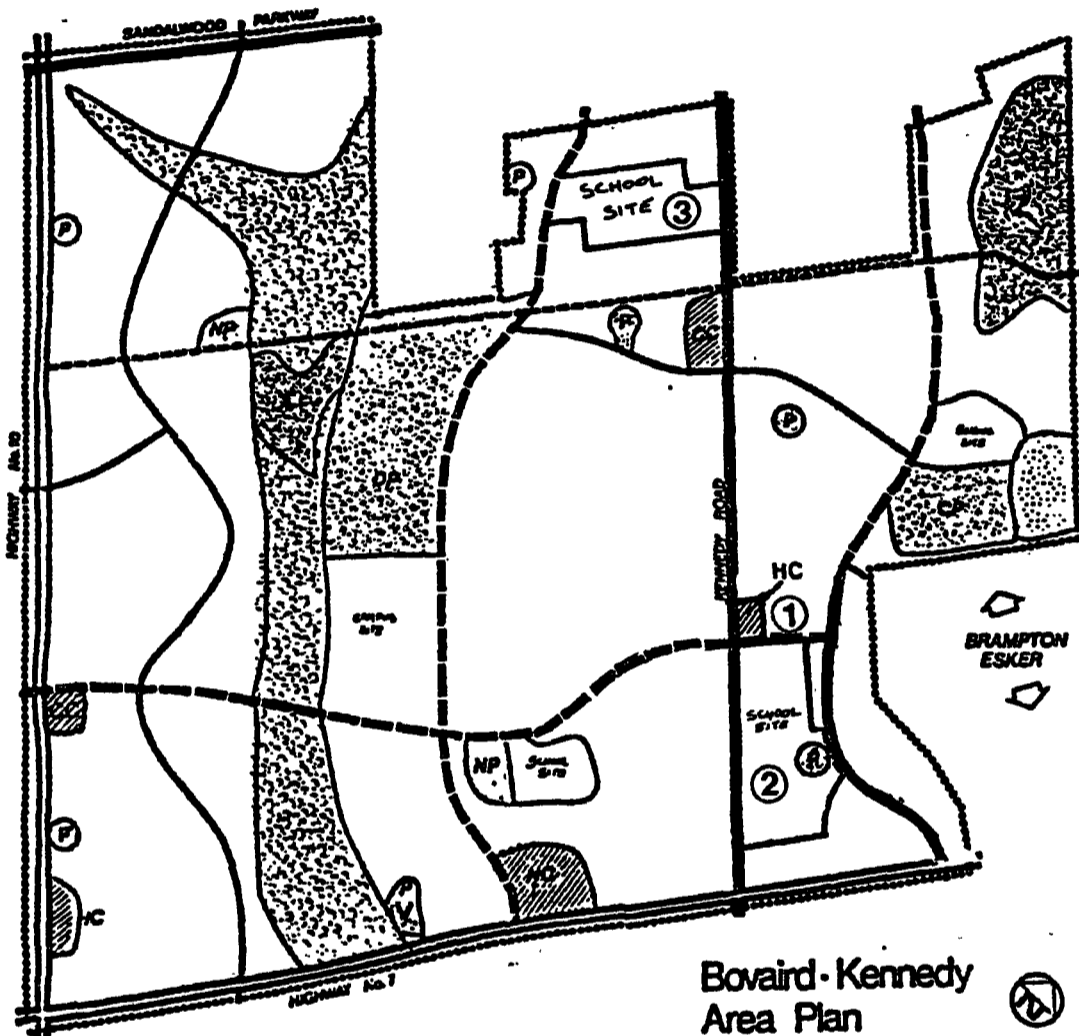
- (b) by changing, on Plate 45, the locations and intersection configuration of certain collector road segments located east of Kennedy Road to the locations and configuration shown on Schedule A;
- (c) by deleting therefrom the first sentence of section 4.9 of Chapter C53, in Part C, Section C, and substituting therefor the following:

"Schools: It is estimated that four single school sites and a combined school campus will be required in the Bovaird-Kennedy area in the locations indicated on Plate 45."

- (c) by adding the following policy to Chapter C53 of Part C, Section C, as policy 5.9:

"5.9 The lands on the east side of Kennedy Road that are designated as Highway Commercial may only be used for the purposes of a gas bar or service station."

Official Plan
Amendment
No.78
SCHEDULE 'A'



Bovaird-Kennedy
Area Plan

- Bovaird-Kennedy area boundary
- Low & medium density residential
- Neighbourhood commercial
- Convenience commercial
- Highway commercial
- Public open space hazard lands
- Public open space woodlot
- Public open space gravel pit (Brampton Esker)
- Public open space district park A
- Public open space community park
- Public open space neighbourhood park
- Public open space parkette
- Provincial highway
- Minor Arterial Road
- Collector Road
- Minor Collector Road
- TransCanada Pipeline

Plate 45

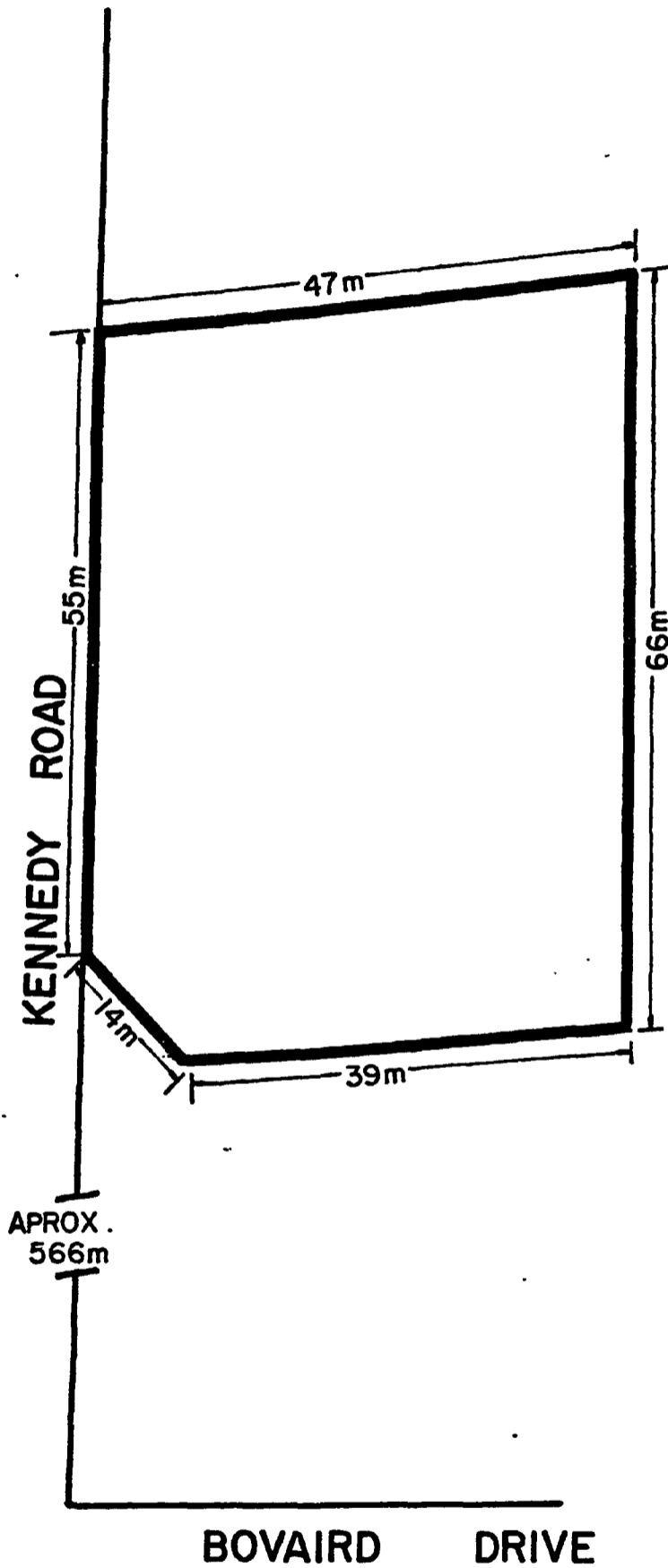
OFFICIAL PLAN AMENDMENT NO.80
Schedule A



CITY OF BRAMPTON
Planning and Development

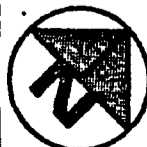
Date: 85 11 05
File no. C2E11.1

Drawn by: K.L.
Map no. 26-26E



OFFICIAL PLAN AMENDMENT NO. 80

Schedule B



1:590

CITY OF BRAMPTON
 Planning and Development

Date: 85 11 06 Drawn by: K.L.
 File no. C2E11.1 Map no. 26-26D

BACKGROUND MATERIAL TO
AMENDMENT NUMBER 80

Attached is a copy of a report of the Director, Planning and Development Services Division, dated September 3, 1985 and a copy of a report from the Director, Planning and Development Services Division, dated October 3, 1985 forwarding the notes of a public meeting held on October 2, 1985.

INTER-OFFICE MEMORANDUM

Office of the Commissioner of Planning & Development

September 3, 1985

TO: Chairman of the Development Team

FROM: Planning and Development Department

RE: Draft Plan of Subdivision and Application to
Amend the Official Plan and Zoning By-law
Part of Lot 11, Concession 2, E.H.S.
(Formerly Township of Chinguacousy)
Ward 2
DEXFIELD INVESTMENTS LIMITED
Region of Peel File 21T-79072B
Our File: C2E11.1

1.0 Introduction

A revised draft plan of subdivision for the above noted lands has been submitted to the Region of Peel and circulated in accordance with normal procedures for processing draft plans of subdivision.

An application to amend the Official Plan and Zoning By-law to implement the proposed plan of subdivision has been filed with the City Clerk and referred to staff for a report and recommendation.

2.0 Property Description

The subject property has an area of 14.8 hectares (36.6 acres) and is located in the west half of Lot 11, Concession 2, East of Hurontario Street. The property has a frontage of 555.3 metres (1,821.8 feet) on the east side of Kennedy Road and is separated from Bovaird Drive by a strip of land that has an average width of 30 metres and is owned by the Ontario Ministry of Transportation and Communications.

The subject lands are essentially flat with a slight slope from north

C 3-2

to south. The existing vegetation consists of grass cover and scrub. There are no buildings on the property except for a vacant sales office.

The lands abutting the north boundary of the property are vacant and subject to a draft plan of subdivision application by Wimpey Homes (Region of Peel File: 21T-81036B). In addition, there is one single family dwelling on a lot having a frontage on Kennedy Road. The lands located on the west side of Kennedy Road are vacant and subject to a draft plan of subdivision application by Dexfield Investments Limited (Region of Peel File: 21T-79073B). Abutting the draft plan of subdivision on the west of Kennedy Road is a veterinary clinic and single family dwelling. To the east of the subject property is a gravel extraction pit operated by Armbro Aggregates Limited.

3.0 Official Plan and Zoning Status

Amendment Number 76 to the Consolidated Official Plan, as approved by the Minister of Municipal Affairs and Housing on July 8, 1983, establishes land use designations for the subject property. The property is designated Low and Medium Density Residential. There is also a Public Open Space - Parkette designation in the centre of the property.

Schedule A to the Official Plan designates the subject property as Residential. The Official Plan incorporates Amendment 76 as part of the Heart Lake East Secondary Plan, which applies specifically to the subject property as described above.

By-law 861, as amended, zones the entire property as Agricultural-A.

4.0 Proposal

The applicant proposes to subdivide the property into 115 single family residential lots with minimum widths of 9.15 metres (30 feet). A large portion of the plan is consumed by a school block 6.1 hectares (15.1 acres) in size that is to be used for the purposes of a secondary school for the Separate School Board. A park block 0.778

hectares (1.923 acres) in size is situated beside the school block. In addition, the plan includes a commercial block 0.81 hectares (2.0 acres) in size.

Access to the subdivision is proposed via a collector road intersecting with Kennedy Road directly across from Wexford Road in the subdivision on the west side of Kennedy Road. The collector road connects with a north-south collector road which shall extend from the north in the Wimpey Homes draft plan of subdivision and connect with Bovaird Drive to the east of the subject property. An 8.23 metre road widening and 0.3 metre reserves are shown on the Kennedy Road frontage.

The draft plan of subdivision demonstrates the manner in which the strip of land to the south owned by the Ministry of Transportation and Communications can be developed. A development scheme is also proposed for the lands to the north as well as adjacent to the southeast corner of the subject property. The proposed draft plan contains residential blocks which are to be developed in conjunction with the abutting lands.

5.0 Comments

Public Works and Building Department

The Building Division has no comments.

The Public Works Division has provided the following comments:

1. The Plan as submitted meets with our approval.
2. In addition to the standard servicing requirements, we suggest that the developer be required to construct a sidewalk along the east side of Kennedy Road where abutting this plan.
3. A temporary cul-de-sac is required at the dead end of all proposed roads.

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4. An emergency connection must be constructed from the end of Street No. 4 to Kennedy Road.
5. The .3m reserves must be provided at the dead ends and open sides of all roads where abutting private property."

With respect to traffic circulation, the following comments were provided:

- "1. I would recommend that a vehicular access to the high school be provided onto Street No. 1 in the area of lot 64.
2. The right-of-way of Street No. 2 should be 23 metres between Kennedy Road and Street no. 1.
3. The matter of traffic signal costs for Street No. 1 and Kennedy Road should be addressed.
4. Traffic movements (vehicular and pedestrian) generated by the commercial block and the intersection of Street No. 3 would degrade the operation of this key connecting roadway. It would be preferred to have no commercial site here and realign Street No. 3 to intersect Street No. 1 north of Street No. 2.

Community Services Department

Parks and Recreation staff indicated that there have been a number of meetings held with the Separate School Board with respect to the siting of the school on the school site as well as combining their open space requirements along with the City's requirements. It was noted that the site plan for the school showed a driveway to Street No. 1 on lot 64. In addition, they advised that they require a park opening from Street No. 1 onto the gravel pit to the east. The park opening desired consists of Blocks 117 and 118.

There were no comments with respect to Fire and Transit.

The Region of Peel has provided the following comments:

"We have reviewed the above noted revised plan of subdivision and would state that this development was listed as uncommitted on the Bovaird/Kennedy Traffic Impact Study and thus will only exacerbate the poor operating conditions outlined in that Study. However, this development can be released in accordance with the Bovaird/Kennedy Agreement, subject to obtaining the necessary amendment to the City's Official Plan and Secondary Plan for this area.

In addition to the above, we would make the following comments:

- . The section of Street No. 2 from Kennedy Road to Street No. 3 should be designed to 23m due to the nature of abutting land uses and the wider R.O.W. would allow for the channelization of the entrance to the commercial block which could also be the common entrance to the school (alternately the school access could be opposite Street No. 3). No accesses from commercial block 170 and school block 171 should be permitted onto Street No. 2 for a distance of 60m from Kennedy Road. Thus the 0.3m reserve for this 60m section should be requested by the City of Brampton.
- . We would not have any objection to the modification in the alignment of the north-south collector road from its original connection to Kennedy Road at Wexford Road via Street No. 2 to its proposed north-south continuation to Bovaird Drive opposite Langston Drive.
- . A pedestrian walkway from Street No. 4 to the school block no. 171 would be desirable. This walkway should be located in the vicinity of residential lot 45.

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- Until Street No. 1 is opened to Bovaird Drive, a temporary emergency access off Kennedy Road should be provided. This temporary emergency access should be located off Street No. 4 at residential lot no. 28. Once Street No. 1 is opened to Bovaird Drive, this temporary emergency access should be removed."

The Regional Public Works Department has provided the following comments:

"Sanitary: Sanitary sewer facilities will be available on the west side of Kennedy Road at Bovaird Drive and at Street Number 2 in conjunction with the development of the lands to the west. Provision will be required for external sanitary drainage areas.

Water: Water facilities are available on Kennedy Road. Frontage charges apply on Kennedy Road.

Roads: Regional roads are not directly affected."

The Metropolitan Toronto and Region Conservation Authority has provided the following comments:

"Our staff has reviewed the plan and note that a small pond exists in the vicinity of Lots 84 to 87 and B162 to B165. We would suggest that soil conditions in the vicinity of these lots be investigated to determine the suitability of the pond area for development and any precautionary measures which should be undertaken.

We have no objections to the draft approval of the plan subject to the following:

- (1) Prior to the initiation of grading and prior to the registration of this plan or any phase thereof, that the owner shall submit

for the review and approval of the Metropolitan Toronto and Region Conservation Authority the following:

(a) a detailed engineering report that describes the storm drainage system for the proposed development on the subject lands. This report should include:

- plans illustrating how this drainage system will tie into surrounding drainage systems, i.e., Is it part of an overall drainage scheme? How will external flows be accommodated? What is design capacity of the receiving system?
- storm water management techniques which may be required to control minor flows to predevelopment conditions for all flows up to and including the 2-year storm;
- proposed methods for controlling or minimizing erosion and siltation on-site and/or in downstream areas during and after construction;
- location and description of all outlets and other facilities which may require permits under Ontario Regulation 170.

N.B. It is recommended that the developer or his consultant contact the Authority prior to preparing the above report to clarify the specific requirements of this development.

(2) That the owner agree in the subdivision agreement, in wording acceptable to the Metropolitan Toronto and Region Conservation Authority:

(a) to carry out, or cause to be carried out, to the satisfaction of the Metropolitan Toronto and Region

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Conservation Authority, the recommendations referred to in the report(s), as required in Condition (1)."

The Dufferin-Peel Roman Catholic Separate School Board has indicated that the proposed school site conforms to their site criteria and has recommended that the following conditions be fulfilled prior to registration of the plan:

- 1) That satisfactory arrangements be made with the Dufferin-Peel Roman Catholic Separate School Board for the acquisition of Block 171, Separate School Site.
- 2) That the following clause be included in each agreement of purchase and sale of lots until such time as the school for the area is completed:

"Despite the best efforts of the Dufferin-Peel Roman Catholic Separate School Board, sufficient accommodation may not be available for all anticipated students from the area, you are hereby notified that students may be accommodated at temporary facilities and/or bused to a school outside of the area, and further, that students may later be transferred to the neighbourhood school."

The Peel Board of Education has recommended that the following conditions of draft approval be imposed:

1. The developer shall agree to erect and maintain signs at the entrances to the subdivision which shall advise prospective purchasers that due to present school facilities, some of the children from the subdivision may have to be accommodated in temporary facilities or bused to schools according to the Board's Transportation Policy.
2. The Board requires that the following clause be placed in any agreement of purchase and sale entered into with respect to any

lots on this plan, within a period of five years from the date of registration of the subdivision agreement.

"Whereas, despite the efforts of The Peel Board of Education, sufficient accommodation may not be available for all anticipated students in neighbourhood schools, you are hereby notified that some students may be accommodated in temporary facilities or bused to schools outside of the area, according to the Board's Transportation Policy."

The Board indicated that this plan of subdivision proposes a significant number of units for which there is no available permanent accommodation. The Board will therefore be utilizing portable accommodation and busing to holding schools until justification and funding for a new school is available from the Ministry of Education.

The Ministry of Transportation and Communications has indicated that they require, prior to final approval, a drainage plan and report outlining the developers intended treatment of the calculated run-off.

With respect to the lands owned by the Ministry, they noted that the plan correctly incorporates the lands which they consider surplus. They advised that they have commenced disposal procedures and expect that the lands will be officially declared as surplus.

The Ministry of Municipal Affairs and Housing has provided the following comments:

- "1. There does not appear to be any pedestrian access to the Brampton Esker area from the subdivision, as required by Amendment No. 76, unless such access points would be provided through other plans of subdivision.
2. Buffering provisions should be implemented between the residential and extractive operations (existing or potential),

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as required by Amendment No. 76.

3. Block 170, the proposed Commercial site does not comply with Amendment 76, nor does Block 171 intended for a school site".

The Ministry of the Environment has provided the following comments with respect to noise exposure:

"The property is impacted by excess noise levels associated with vehicular traffic on Highway Number 7 by-pass and Kennedy Road. Our prediction indicates that levels will be up to 11 dBA and 5 dBA respectively. It is recommended therefore that the proponent be required to investigate noise levels on the property and to recommend noise control measures sufficient to meet the noise level objectives of the Ministry of the Environment and the City of Brampton."

In view of the foregoing, the Ministry recommends that draft approval be subject to the following conditions:

1. Prior to final approval, the owner shall engage the services of a consultant to complete a noise study recommending noise control features satisfactory to the Ministry of the Environment and the City of Brampton.
2. Prior to final approval, the Ministry of the Environment shall be notified by a copy of the fully executed subdivider's agreement between the developer and the municipality that the noise control features recommended by the acoustical report and approved by the Ministry of the Environment and the City of Brampton shall be implemented as approved, by requirements of the subdivider's agreement.
3. In the event that a slight noise level excess will remain, despite the implementation of the noise control features,

the following warning clause shall be included in a registered portion of the subdivider's agreement:

"Purchasers are advised that despite the inclusion of noise control features within the development area and within the individual building units, noise levels may continue to be of concern occasionally interfering with some activities of the dwelling occupants."

With respect to the aggregate extraction pit situated to the east of the subject property, the Ministry of the Environment provided the following comments:

"The property in question is immediately adjacent to the property owned by Ambro Aggregates. This company intends to continue its operation for approximately 12-15 years. By virtue of its operation, this company would undoubtedly be the subject of major complaints relating to noise, dust and odours. It is therefore recommended that development be prohibited within 150m of the active pit area until the potential source of complaints has ceased to exist. Implementation of this separation distance will affect a major portion of the easterly lots. Although we have no objection to the future use of these properties for residential purposes, we are unable to recommend their approval at this time.

In view of the above and because of the existence of a conflicting land use, we are unable to recommend approval of the plan in its present form. Should the City of Brampton and your office wish to proceed with the processing of this application despite the possibility of future environmental constraints, and should a satisfactory solution be reached regarding the lots within the 150m separation distance presently recommended, we would consider draft approval of the remaining properties subject to conditions with respect to noise attenuation."

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6.0 Discussion

6.1 Bovaird-Kennedy Agreement

An agreement between the City, the Region of Peel and the owners within the Bovaird-Kennedy Area (Dexfield Investments Limited, Lethbridge Developments Limited, 517737 Ontario Limited, Operation 9 Incorporated, and First City Development Corporation Limited) was executed on March 11, 1983 for the purpose of facilitating the development of the owners' lands in accordance with the land use designations and policies established by Amendment 76.

The provisions of the agreement included a phasing schedule allocating a maximum number of building permits per annum to each owner. It is noted that the subdivisions permitted to proceed in accordance with the Bovaird-Kennedy Agreement are situated on the west side of Kennedy Road, whereas the subject property is located on the east side of Kennedy Road. The subject draft plan of subdivision is being processed at this time because it contains a school block presently required by the Separate School Board.

The proposed draft plan of subdivision shall be subject to the requirements in the Bovaird-Kennedy Agreement. The building permit allocation per annum for Dexfield Investments shall not be increased, however, they will be allowed to transfer part of their allocation to the east side of Kennedy Road.

6.2 Subdivision Design

The subject draft plan of subdivision does not conform with Amendment 76, the applicable secondary plan, in two respects. Firstly, the draft plan contains a large school block which is not designated in Schedule A to Amendment 76. Staff have no objection to amending the Official Plan to establish a school site designation on Block 171. In accordance with the Public Works Department's comments regarding the improvement of vehicular access to the school, it is recommended that Lot 64 be deleted and become part of Block 171.

C3-1

Secondly, the plan contains a commercial block on the northwest corner of the property which is contrary to the residential designation of those lands. The block is 0.81 hectares (2.0 acres) in size and is proposed to be used for the purposes of a self-serve gas bar and convenience commercial uses. With respect to the proposed self-serve gas bar, staff recognize that there are not many gas stations in the Heart Lake area. With the exception of the Gulf station at Kennedy and Conestoga, all other gas stations are located on Highway 10. The only location away from Highway 10 which has a designation that would permit a gas station is the neighbourhood commercial site on Bovaird Drive west of Kennedy Road. Because there are such limited opportunities for the establishment of gas stations in Heart Lake, staff have no objection to amending the Official Plan to permit a service station and/or self-serve gas bar. However, staff are concerned about the proposed convenience commercial uses because it appears that a sufficient amount of land was designated for convenience commercial purposes in the Bovaird-Kennedy area. There is already a convenience commercial site designated on the west side of Kennedy Road to the north of the subject property and the proposed neighbourhood shopping centre is also very close in proximity. Staff cannot determine any planning justification for permitting further convenience commercial uses, therefore this aspect of the application cannot be supported.

In view of the foregoing, it is recommended that the plan be redlined to reduce the size of the commercial block to approximately 0.2 hectares (0.5 acres) in size and show residential lots on a cul-de-sac that extends westerly from Street No. 3. The uses permitted on the reduced commercial block shall be restricted to a service station and self-serve gas bar. Also, in accordance with the comments of traffic engineering staff, the plan should be revised to increase the width of Street No. 2 to 23 metres. With respect to traffic circulation at the intersection, the applicant shall be required to provide funds for traffic signals.

Block 170, the commercial block, abuts residential lots on its north

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and east boundaries. In order to achieve an effective buffer between the residential and commercial components of the plan, the applicant should be required to erect a masonry wall 1.8 metres (6 feet) in height along the boundaries of Block 170 that abut residential lots and provide a landscaped area 3.0 metres (9.8 feet) in width adjacent to the masonry wall. Also, in order to achieve a satisfactory spatial separation between the uses, it is recommended that the commercial buildings have a minimum setback of 9 metres (30 feet) from the residential lots. In order to advise prospective purchasers that a service station and/or gas bar will be located on block 170, the applicant should be required to erect and maintain a sign to that effect on the property to the satisfaction of the City.

Block 171 shall be used for the purposes of a secondary school for the Separate School Board. To ensure that prospective purchasers are aware of the existence of the school site and adjoining park block and the nature of the facilities which are to be provided, it is recommended that the applicant be required to erect a sign in the sales office displaying the site plan for the school and the park blocks.

With respect to access to the Esker Area, staff note that Amendment 76 indicates that draft plans of subdivision adjacent to the Esker should provide for walkway connections. In accordance with the requirements of the Community Services Department, it is recommended that Blocks 117 and 118 be used for that purpose.

The only other revisions recommended for this plan are the addition of 0.3 metre reserves at the dead-ends of road allowances and open sides of roads. The applicant shall be required to satisfy all engineering requirements such as the provision of emergency accesses, temporary turning circles and sidewalks.

6.3 Phasing

As indicated previously, the subject draft plan of subdivision must be phased in accordance with the provisions of the Bovaird-Kennedy

Agreement. In addition, Public Works staff have indicated that the south portion of the plan should be phased until there is a road connection to Bovaird Drive. There is a concern that Street No. 1 may not be extended to Bovaird Drive for a considerable length of time and the result would be an extremely long cul-de-sac (all of Street No. 4). An emergency access from Street No. 4 to Kennedy Road was originally recommended by Public Works staff, but this approach was not considered to be satisfactory. It is therefore recommended that no building permits be issued for residential lots and blocks south of Block 117 until Street No. 1 has been extended to Bovaird Drive.

6.4 Environmental Constraints

The subject property is adjacent to gravel pit where extractive activity is still in progress. Due to the adverse environmental impacts emanating from a gravel pit, the Ministry of the Environment recommends that residential development be prohibited within 150 metres (492 feet) of the active pit area. According to site data on the gravel pit which staff are able to obtain, the gravel pit is approximately 40 metres from the easterly boundary of the subject property.

Although the Ministry of the Environment is unable to recommend draft approval of the plan where it is within 150 metres of the conflicting land use, staff recommend that this matter be dealt with through the use of a holding zone and an appropriate clause in the subdivision agreement. The 150 metre distance separation would provide an adequate buffer area between the gravel pit and residential dwellings. When the pit extraction ceases, the holding category may be lifted from the lots within the affected area and building permits issued. The operators of the pit, Armbro Aggregates, expect to conclude extraction within the next few years.

The other environmental constraint on development of the subject property is excessive noise levels from traffic. The subject property is located adjacent to Kennedy Road and Bovaird Drive, both

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of which carry large volumes of traffic and are a source of high levels of noise. The applicant has submitted a preliminary acoustical feasibility analysis which addresses the feasibility of noise attenuation for the proposed development. The report identifies the two types of lots subject to excessive noise levels as being lots flanking the noise source and lots fronting on a service adjacent to the noise source.

In locations where lots have frontage on a service road adjacent to the noise source, the outdoor amenity space in the rear yard is protected by the dwelling unit itself. The report indicates that acoustical barriers will not have to be erected in these instances provided that the dwellings are at least two storeys in height.

With respect to the one flankage lot, Lot 28, the report recommends that the dwelling unit be sited on the lot to facilitate the dwelling unit being used as a noise barrier, and that the appropriate siting be required in the zoning by-law. Lot 28 is a sufficient size to achieve the recommended house siting as shown on the schedule attached to this report.

As indicated in the preliminary noise study, it is recommended that the applicant be required to submit a detailed acoustical impact analysis recommending specific noise attenuation measures for inclusion in the subdivision agreement. The development agreement should contain the appropriate warning clauses with respect to excessive noise levels.

7.0 Recommendation

It is recommended that Planning Committee recommend to City Council that:

- A. A Public Meeting be held with respect to the proposed amendment to the Official Plan and Zoning By-law in accordance with City Council's procedures, and

B. Subject to the results of the Public Meeting, Planning Committee recommend to City Council that the proposed draft plan of subdivision application be recommended for draft approval subject to the following conditions:

1. Draft approval conditions apply to the draft plan dated March 4, 1985, by Fred Schaeffer Associates Limited, and the drawing numbered 85-10, redline revised as follows:
 - (a) to widen Street No. 2 to a width of 23 metres;
 - (b) to delete Lot 64 and include it as part of Block 171;
 - (c) to show Blocks 117 and 118 as park blocks, and
 - (d) to reduce Block 170 to 0.2 hectares in size and show residential lots on a cul-de-sac extending westerly from Street No. 3.
2. The applicant shall agree by agreement to satisfy all financial, landscaping, engineering and other requirements of the City of Brampton and the Regional Municipality of Peel, including the payment of Regional and City levies.
3. The applicant shall agree by agreement to grant easements as may be required for the installation of utilities and municipal services to the appropriate authorities.
4. The applicant shall agree by agreement to support appropriate amendments to the Official Plan and Zoning By-law to permit the proposed subdivision. The zoning by-law shall place all lots within 150 metres of the adjacent gravel pit within a holding zone.

C3-18

5. The proposed road allowances shall be dedicated as public highways upon registration of the plan.
6. The applicant shall agree by agreement that 0.3 metre reserves abutting Kennedy Road and at the dead ends and open sides of road allowances shall be conveyed to the City.
7. The 8.23 metre road widening on Kennedy Road shall be conveyed to the City.
8. The proposed streets shall be named to the satisfaction of the City of Brampton and the Region of Peel.
9. The applicant shall agree by agreement to create easements for maintenance purposes for all lots where side yards less than 1.2 metres (4 feet) in width are being provided.
10. The applicant shall agree by agreement to convey block 172 to the City for park purposes in a condition satisfactory to the City.
11. The applicant shall agree by agreement to erect fencing along the lot lines of all lots which abut block 172 in accordance with the City's fencing policy.
12. Prior to the registration of the plan, arrangements shall be made to the satisfaction of the City for any relocation of utilities required by the development of the subject lands to be undertaken at the expense of the applicant.
13. The horizontal and vertical alignments of all roads, including their intersection geometrics, shall be designed to the latest City standards and requirements. In this regard, minor revisions to the plan may be required to facilitate satisfactory intersection alignments.

C3-

14. The applicant shall agree by agreement to the establishment of an Architectural Control Committee to deal with the external appearance of dwellings and energy conservation principles.
15. The applicant shall agree by agreement that prior to final approval, the applicant shall engage the services of a consultant to complete a noise study recommending noise control measures satisfactory to the Ministry of the Environment and the City of Brampton.
16. The applicant shall agree by agreement that the noise control measures recommended by the acoustical report, as in condition number 15 above, shall be implemented to the satisfaction of the Ministry of the Environment and the City of Brampton, and in the event that a slight noise level excess will remain despite the implementation of the noise control measures, the following clauses shall be included in a registered portion of the subdivider's agreement:
 - (a) "Purchasers shall be advised that despite the inclusion of noise control features within the development area, noise levels may continue to be of concern occasionally interfering with some activities of the dwelling occupants";
 - (b) A map shall be displayed in the sales office and shown to all prospective purchasers, indicating those lots or blocks in a colour coded form that have existing and potential noise environmental problems, and
 - (c) The map as required in (b) above shall be approved by the City's Commissioner of Planning and Development prior to the registration of the plan

C3-20

and further, staff shall be permitted to monitor the sales office to ensure compliance.

17. That prior to the release of the plan or any part thereof for registration, the Dufferin-Peel Roman Catholic Separate School Board shall advise the Regional Municipality of Peel and the City of Brampton that satisfactory site purchase arrangements have been made for the acquisition of block 171 in a condition satisfactory to the Board.
18. The applicant shall agree by agreement:
 - (a) to erect signs to the satisfaction of the Peel Board of Education at the entrances to the subdivision which shall advise prospective purchasers that due to present school facilities, some of the children from the subdivision may have to be accommodated in temporary facilities or bused to schools, according to the Board's Transportation Policy; and
 - (b) any agreements of purchase and sale entered into with respect to any residential lots on this plan, within a period of five years from the date of registration of the subdivision agreement, contain a clause stating that:

"Whereas, despite the efforts of The Peel Board of Education and The Dufferin-Peel Roman Catholic Separate School Board, sufficient accommodation may not be available for all anticipated students in neighbourhood schools, you are hereby notified that some students may be accommodated in temporary facilities or bused to schools outside of the area, according to the Board's Transportation Policy."

C3-

19. The applicant shall agree by agreement to display a map in the sales office and to all prospective purchasers showing the site plan for the school and park blocks (Blocks 171 and 171).

20. The applicant shall agree by agreement that prior to the initiation of grading and prior to the registration of this plan or any phase thereof, the applicant shall submit for the review and approval of the Metropolitan Toronto and Region Conservation Authority, the Ministry of Transportation and Communications and the City, the following:
 - (a) a detailed engineering report that describes the storm drainage system for the proposed development on the subject lands.

21. The applicant shall agree by agreement, in wording acceptable to the Metropolitan Toronto and Region Conservation Authority:
 - (a) to carry out, or cause to be carried out, to the satisfaction of the Metropolitan Toronto and Region Conservation Authority, the recommendations referred to in the report, as required in Condition 20.

22. The applicant shall agree by agreement to provide to the Ministry of Transportation and Communications, prior to final approval, a drainage plan and report outlining the developer's intended treatment of the calculated run-off.

23. The applicant shall agree by agreement to erect a masonry wall having a height of 1.8 metres along the boundary of block 170 abutting residential lots to the satisfaction of the City.

C3-22

24. A landscaped buffer not less than 3.0 metres in width shall be provided along the northerly and easterly boundaries of block 170 where it abuts residential lots and shall be landscaped to the satisfaction of the City.
25. Prior to the release of the plan for registration, the applicant shall make satisfactory arrangements with the City with respect to the designated type of building materials of the masonry wall required in Condition 22 and shall provide adequate securities to ensure erection of the masonry wall. The wall shall be erected one year following the issuance of the first building permit for any lot abutting block 170.
26. The applicant shall agree by agreement to erect a sign to the satisfaction of the City on block 170 which shall advise prospective purchasers that a service station and/or gas bar will be constructed in that location.
27. The applicant shall agree by agreement to install a sidewalk along Kennedy Road where it abuts the subject lands.
28. The applicant shall agree by agreement to construct an emergency connection between the end of Street No. 4 and Kennedy Road.
29. The applicant shall agree by agreement that development of the subject lands shall be staged to the satisfaction of the City. In this regard, building permits shall be issued in accordance with the provisions in the Bovaird-Kennedy Agreement and development shall be dependent upon prior or simultaneous development of adjacent lands to achieve continuity of roads and underground services. In addition, no building permits shall be issued for lots or blocks south of Block 117

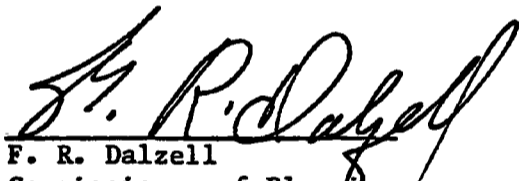
C3-23

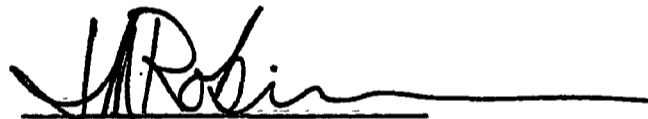
until Street No. 1 has been extended to Bovaird Drive.

30. No building permits shall be issued for residential lots or blocks lying wholly or partially within a 150 metre radius of the Ambro gravel pit until such time as the City has been advised in writing by the Ministry of the Environment that it is satisfied that dust and noise from the gravel pit will no longer affect the said lots.

31. Blocks 117 to 172 both inclusive, shall only be developed in conjunction with adjacent lands. In this regard, the City shall be satisfied prior to registration of the plan that the blocks, when combined with adjacent lands, will permit development in accordance with the zoning by-law.

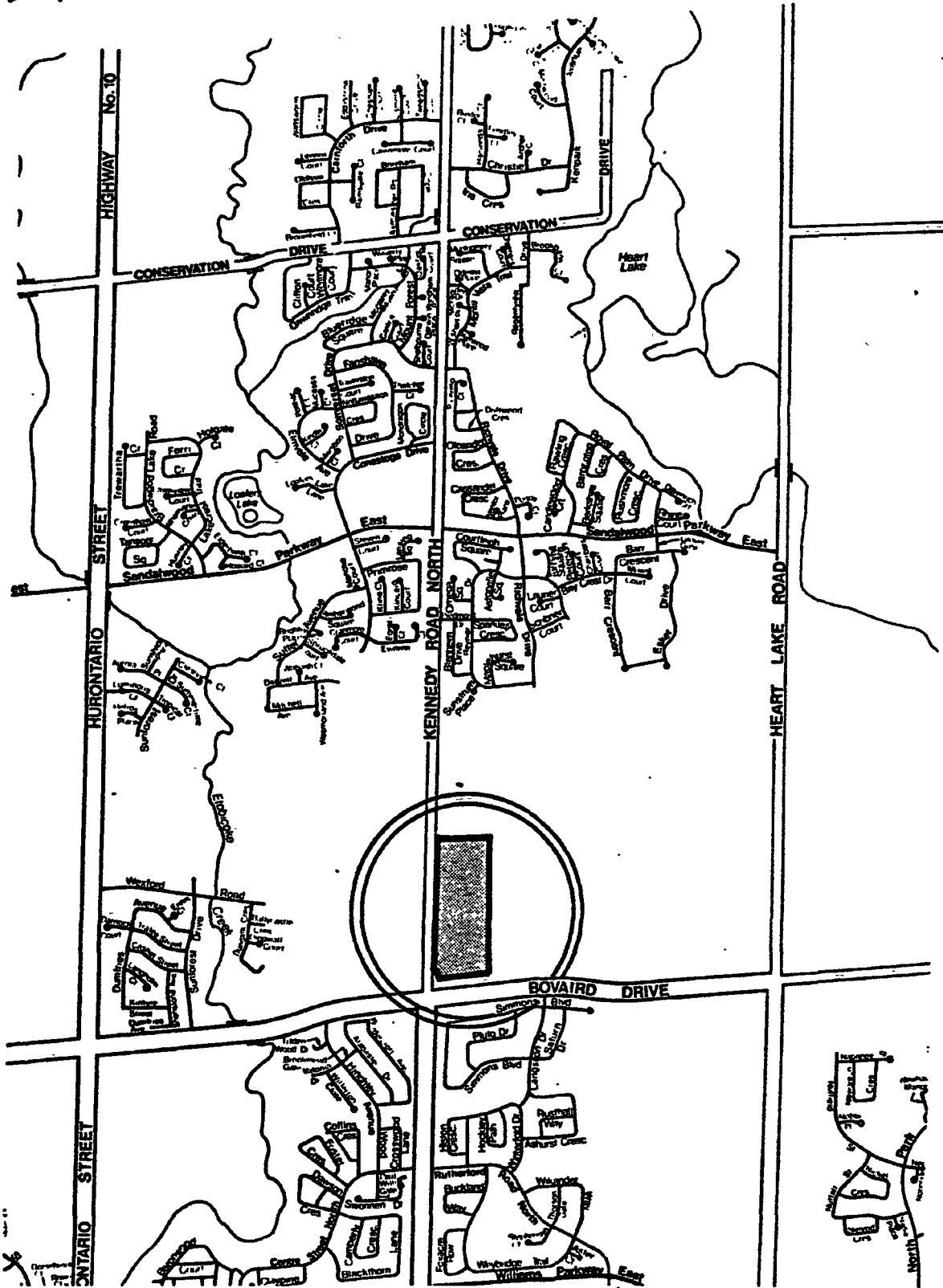
AGREED:


F. R. Dalzell
Commissioner of Planning
and Development


L. W. H. Laine
Director, Planning and
Development Services Div.

JMR/jp/12

C3-24



DEXFIELD INVESTMENTS LTD.



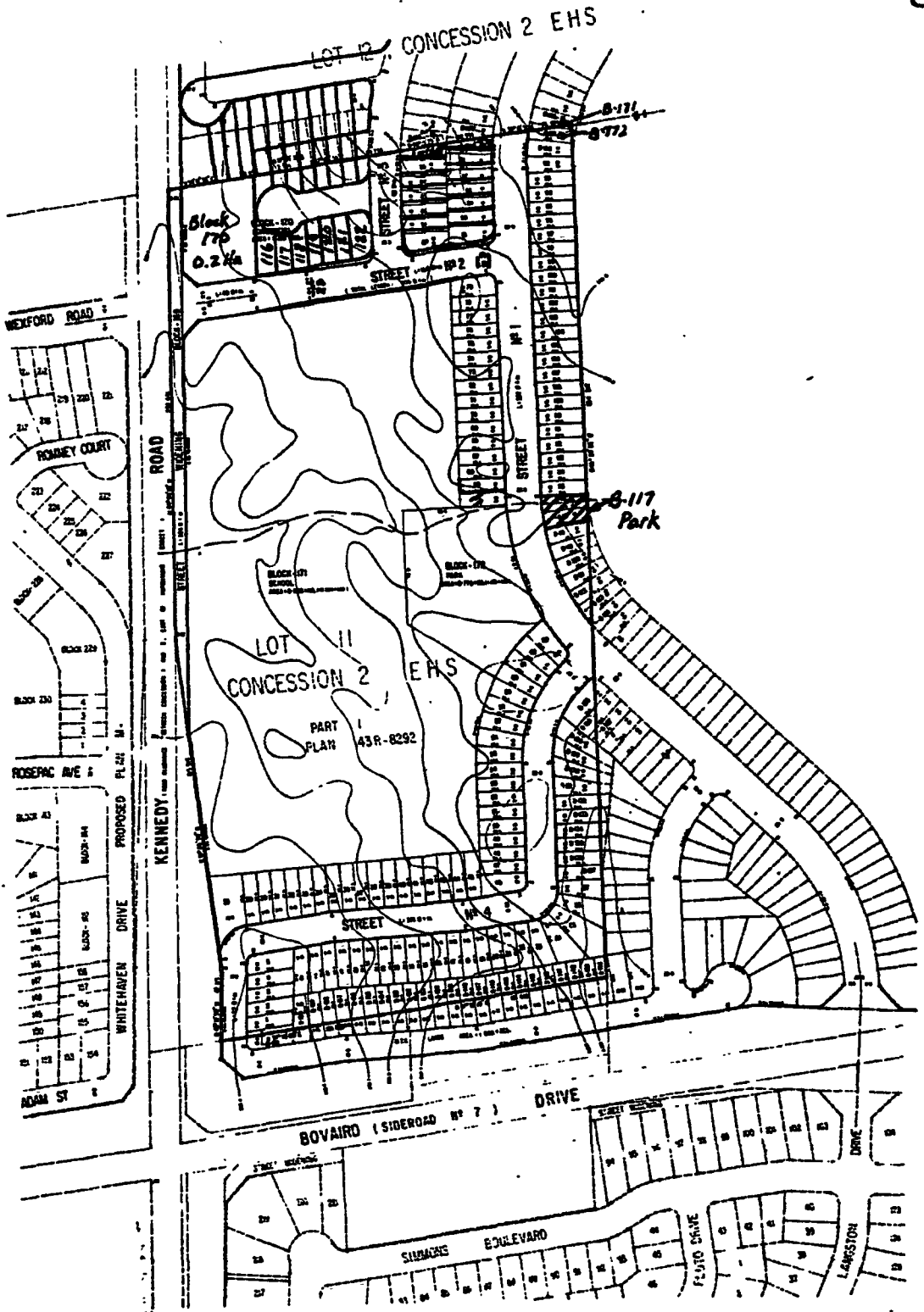
CITY OF BRAMPTON
Planning and Development

Location Map

1:25000

Date: 85 08 29 Drawn by: RB
File no. C2E11.1 Map no. 26-26A

C3-25



DEXFIELD INVESTMENTS LTD.

Proposed Draft Plan of Subdivision - Redlined



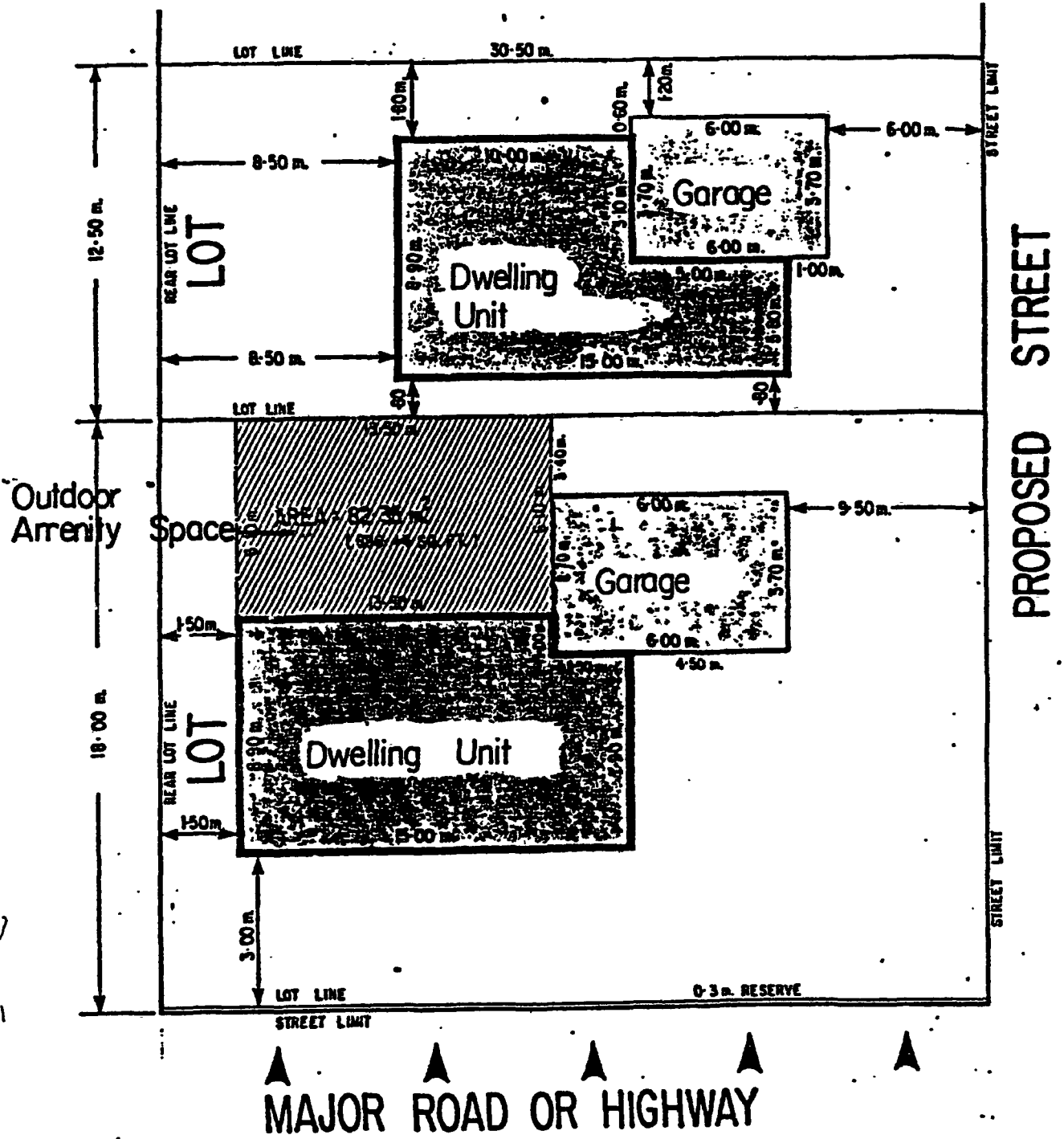
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CITY OF BRAMPTON
Planning and Development

Date: 85 08 29 Drawn by: RB
File no. C2E11.1 Map no. 26-26c

3

C3-24



DEXFIELD INVESTMENTS LTD.

Site Design of a Flankage Lot Exposed to Noise

N.T.S.

CITY OF BRAMPTON
Planning and Development

Date: 85 08 30 Drawn by: RB
File no. C2E11.1 Map no. 26-26 B

INTER-OFFICE MEMORANDUM

Office of the Commissioner of Planning & Development

1985 10 03

To: The Chairman and Members of Planning Committee
From: Planning and Development Department
Re: Draft Plan of Subdivision and Application
to Amend the Official Plan and Zoning By-law
Part of Lot 11, Concession 2, E.H.S.
(Formerly Township of Chinguacousy) - Ward 2
DEXFIELD INVESTMENTS LIMITED
Region of Peel File: 21T-79072B
Our File: C2E11.1

The notes of the Public Meeting held on Wednesday, October 2, 1985, are attached for the information of Planning Committee.

Although no members of the public appeared at the meeting to express concerns, a letter of objection to the proposed commercial block was received from an abutting property owner.

Mr. and Mrs. Stuart Keyes, the owners of the lands located immediately north of the subject property, object to the proposed amendments to the Official Plan and zoning by-law to permit commercial development abutting their residential property. They are concerned about noise from such development and the glare of lights during the evening hours.

Staff note that conditions have been imposed on the applicant in order to minimize the impact of the commercial development on existing and proposed residences. The applicant shall be required to erect a masonry wall 1.8 metres (6 feet) in height along the north and east property boundary and provide a landscaped buffer 3.0 metres in width adjacent to the wall. In addition, the zoning by-law shall require that all buildings

- cont'd. -

03-2

- 2 -

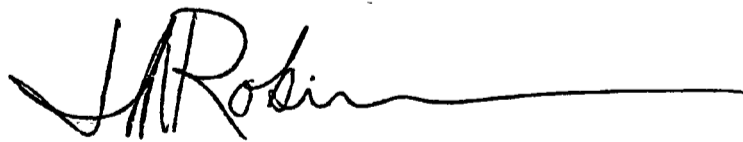
be set back at least 9 metres (30 feet) from residential lots.

To further minimize any adverse impacts which may affect abutting residences, it is recommended that a condition be imposed to ensure that floodlighting will not cast light on surrounding properties. Also, it is recommended that the height of signs be restricted to 2.4 metres (8 feet) to minimize light cast by pylon signs at night. Staff are not as concerned about noise from the proposed gas bar because the masonry wall will serve as an acoustical barrier. Also, a much higher volume of noise will be generated by traffic on Kennedy Road.

IT IS RECOMMENDED THAT PLANNING COMMITTEE recommend to City Council that:

- A) the notes of the Public Meeting be received.
- B) the application be approved subject to the conditions approved by City Council on September 23, 1985 and the following additional conditions:
 - 32. The applicant shall agree by agreement that all floodlighting on Block 170 shall be directed onto the commercial uses and away from abutting residences.
 - 33. The height of signage on Block 170 shall not exceed 2.4 metres.
- C) staff be directed to present the appropriate documents to Council.

Respectfully Submitted,



J.M. Robinson,
Development Planner

AGREED



F. R. Dalzell,
Commissioner of Planning
and Development

JMR/ec
attachment

AGREED



L.W.H. Laine,
Director, Planning and
Development Services

D3-4

- 2 -

The Chairman noted the submission of a letter of objection from Lawrence, Lawrence, Stevenson, Solicitors, on behalf of Mr. and Mrs. Stuart Keyes of R.R. #2, Brampton, who are the owners of lands located immediately to the north of the subject site, expressing concern related to possible adverse effect on their residential property from increased noise levels and the glare of lights (see attached letter).

There were no further questions or comments and the meeting adjourned at 7:53 p.m.

03-5

LAWRENCE, LAWRENCE, STEVENSON

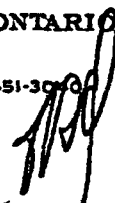
BARRISTERS & SOLICITORS

City of Brampton Planning Department	Rec'd
1985	
File No. C2E11.1	

HAROLD R. LAWRENCE, O.C. (1924-1966)	BASIL J. STEVENSON, O.C.
WILLIAM G. LAWRENCE, O.C.	JAMES C. GASKIN, O.C.
GERARD D. FITZHENRY O.C.	J. ROBERT KELLY, O.C.
DENNIS F. COLE, O.C.	KENNETH F. MCCABE
J. FAROUHAR MACDONALD	JOHN P. MULLEN
CHRISTOPHER L. JOON	JANET M. SIMMONS
RICHARD J. WEILER	MILAN J. PRSA
ROBERT A. FILKIN	
DOUGLAS C. JACK	

43 QUEEN STREET WEST
BRAMPTON, ONTARIO
 L6Y 1L9
 TELEPHONE (416) 451-3000
 TELEX 06-97812

October 2nd, 1985



The Corporation of the
 City of Brampton
 Planning and Development
 Department
 150 Central Park Drive
 Brampton, Ontario
 L6T 2T9

Dear Sirs:

Re: Dexfield Investments Limited
File Number: C2E11.1 - Ward 2 to Amend
the Zoning By-law

We are solicitors for Mr. and Mrs. Stuart Keyes of R. R. #2, Brampton, Ontario who are the owners of the lands located immediately to the north of the lands which compose the above application.

Our clients understand that Dexfield Investments Limited propose a commercial zoning and amendment to the Official Plan for their lands immediately to the south of our clients' lands.

Mr. and Mrs. Keyes have advised us they object to such rezoning at the present time because of its proximity to our clients' residential property. They are concerned with the possible noise effect from such development, and the glare of lights during evening hours.

Our clients' property fronts on Kennedy Road North immediately to the north of your client's lands as shown on Plan C3-25 which we believe is the proposed draft plan of subdivision submitted by Dexfield Investments Limited.

Yours very truly,

LAWRENCE, LAWRENCE, STEVENSON

Per: 
 James C. Gaskin

JCG:jg